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OFFICE OF PETITIONS

In re Patent No. 7,105,194	:
Issued: September 12, 2006	: LETTER REGARDING PTA AND
Application No. 09/800,624	: CERTIFICATE OF CORRECTION
Filed: March 7, 2001	:
Atty. Dkt. No.: GRISA/710	:

This letter is in response to the "PETITION TO CORRECTION PATENT TERM ADJUSTMENT," filed October 4, 2006. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Patent No. 7,105,194 on September 12, 2006. The patent issued with a patent term adjustment (PTA) of 115 days. Patentees indicate that the adjustment is thought to be longer than appropriate. Patentees suggest the error may be in connection with the request for continued examination (RCE) filed October 29, 2004.

A review of the calculation of PTA reveals that the correct determination is at the time of issuance is 91 days.

An adjustment of 154 days can be attributed to the Office under 37 CFR 1.702 (148 days in accordance with 37 CFR 1.702(a)(1) in connection with the mailing of the non-final Office action on October 2, 2002 and six days in accordance with 37 CFR 1.702(a)(2) in connection with the mailing of the final Office action on May 30, 2003).

There were no further adjustments under 37 CFR 1.702 attributable to Office delays. An adjustment of four days was errantly entered in connection with the mailing of the Board decision on August 31, 2004. The provisions of 37 CFR 1.702 do not prescribe a time period by which a Board decision in response to an appeal must be rendered.

An adjustment of 24 days was errantly entered in connection with the mailing of the restriction requirement on January 24, 2005. This adjustment is inappropriate because the Office replied within four months of the date that the RCE was filed on October 29, 2004. Thus, adjustment pursuant to 37 CFR 1.703(a)(5) is inappropriate.

However, the adjustment totaling 154 days is less than the period of adjustment under 37 CFR 1.702(b) for failure to issue the patent within three years of the date of filing. The period of adjustment under 37 CFR 1.702(b), totaling 236 days, commenced March 8, 2004, the day after the date that is three years after the date that the application was filed, and ended October 29, 2004, the date that the

request for continued examination was filed. See, 37 CFR 1.703(b)(1), 35 USC 154(b)(1)(B), and *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004).

The adjustment totaling 236 days is properly reduced 145 days (reduction of 22 days in accordance with 37 CFR 1.704(b) in connection with the reply filed January 24, 2003; reduction of five days in accordance with 37 CFR 1.704(c)(8) in connection with the supplemental reply filed January 29, 2003; and reduction of 76 days in accordance with 37 CFR 1.704(b) in connection with the Notice of Appeal filed November 14, 2003).

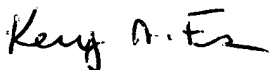
Accordingly, at the time of issuance, the patent was entitled to an adjustment of 91 days (adjustments totaling 236 days less reductions totaling 145 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 91 days.

Applicants are given 30 days to file a request for reconsideration of the instant decision. No additional time will be granted under 37 CFR 1.136.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.


Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

CC: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,105,194 B2
DATED : September 12, 2006
INVENTOR(S) : Gassenmeier, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 115 days

Delete the phrase "by 115 days" and insert – by 91 days--

Day : Wednesday

PALM INTRANET

Date: 1/2/2008

Time: 10:15:35

PTA Calculations for Application: 09/800624

Application Filing Date:	03/07/2001	PTO Delay (PTO):	260
Issue Date of Patent:	09/12/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	145
Post-Issue Petitions:	0	Total PTA (days):	91
PTO Delay Adjustment:	-24		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
76	01/02/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		24	
72.5	08/23/2006	PTA 36 MONTHS	78		
72	09/12/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
71	08/09/2006	EXPORT TO FINAL DATA CAPTURE			
70	08/08/2006	FINISHED INITIAL DATA CAPTURE			
69	08/08/2006	DISPATCH TO FDC			
68	08/03/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
67	08/02/2006	ISSUE FEE PAYMENT VERIFIED			
66	05/12/2006	EXPORT TO INITIAL DATA CAPTURE			
65	05/08/2006	MAIL NOTICE OF ALLOWANCE			
64	03/15/2006	ISSUE REVISION COMPLETED			
63	03/15/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
62	03/15/2006	CASE DOCKETED TO EXAMINER IN GAU			
61	03/15/2006	NOTICE OF ALLOWABILITY			
60	02/01/2006	DATE FORWARDED TO EXAMINER			
59	01/30/2006	AMENDMENT AFTER FINAL REJECTION			
58	11/29/2005	MAIL FINAL REJECTION (PTOL - 326)			
57	11/25/2005	FINAL REJECTION			
56	10/29/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
55	09/21/2005	DATE FORWARDED TO EXAMINER			
54	09/15/2005	RESPONSE AFTER NON-FINAL ACTION		42	50
53	09/15/2005	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			

52	09/15/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
51	08/31/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
50	05/04/2005	MAIL NON-FINAL REJECTION			
49	05/03/2005	NON-FINAL REJECTION			
48	02/24/2005	DATE FORWARDED TO EXAMINER			
47	02/21/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
46	01/24/2005	MAIL RESTRICTION REQUIREMENT	24		38
45	01/21/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
44	11/16/2004	DATE FORWARDED TO EXAMINER			
43	10/29/2004	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
42	11/16/2004	DATE FORWARDED TO EXAMINER			
41	10/29/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)			
40	11/16/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
39	10/29/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
38	08/31/2004	MAIL BPAI DECISION ON APPEAL - AFFIRMED	4		30
37	08/31/2004	BPAI DECISION - EXAMINER AFFIRMED			
36	08/05/2004	DOCKETING NOTICE MAILED TO APPELLANT			
35	08/05/2004	ASSIGNMENT OF APPEAL NUMBER			
34	07/19/2004	APPEAL AWAITING BPAI DOCKETING			
33	06/03/2004	MAIL REPLY BRIEF NOTED BY EXAMINER			
32	06/01/2004	REPLY BRIEF NOTED BY EXAMINER			
31	05/05/2004	DATE FORWARDED TO EXAMINER			
30	04/27/2004	REPLY BRIEF FILED			
29	04/27/2004	WORKFLOW INCOMING AMENDMENT IFW			
28	04/08/2004	MAIL EXAMINER'S ANSWER			
27	04/05/2004	EXAMINER'S ANSWER TO APPEAL BRIEF			
26	01/21/2004	DATE FORWARDED TO EXAMINER			
25	01/15/2004	APPEAL BRIEF FILED			
24	01/15/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
23	11/14/2003	NOTICE OF APPEAL FILED		76	16
22	11/14/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	10/15/2003	MAIL ADVISORY ACTION (PTOL - 303)			

20	10/14/2003	ADVISORY ACTION (PTOL-303)			
19	08/27/2003	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
18	10/06/2003	DATE FORWARDED TO EXAMINER			
17	08/27/2003	AMENDMENT AFTER FINAL REJECTION			
16	05/30/2003	MAIL FINAL REJECTION (PTOL - 326)	6		11
15	05/30/2003	FINAL REJECTION			
14	03/21/2003	DATE FORWARDED TO EXAMINER			
13	01/29/2003	SUPPLEMENTAL RESPONSE		5	11
12	03/21/2003	DATE FORWARDED TO EXAMINER			
11	01/24/2003	RESPONSE AFTER NON-FINAL ACTION		22	9
10	01/24/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
9	10/02/2002	MAIL NON-FINAL REJECTION	148		-1
8	09/30/2002	NON-FINAL REJECTION			
7	01/07/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	09/10/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	10/06/2001	CASE DOCKETED TO EXAMINER IN GAU			
4	04/20/2001	APPLICATION DISPATCHED FROM OIPE			
3	04/18/2001	CORRESPONDENCE ADDRESS CHANGE			
2	03/27/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/07/2001	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)